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SUBJECT: FORMER FSM AMBASSADOR TO THE UNITED STATES SENTENCED TO JAIL

REF: A) 06 KOLONIA 0083; B) 06 KOLONIA 0212; C) 06 KOLONIA 0261; D) 06 KOLONIA 0381; E) 07 KOLONIA 0316; F) 07 KOLONIA 0408

¶1. (SBU) Summary. Former Federated States of Micronesia (FSM) Ambassador to the United States Jesse Marehalau was convicted of theft and over-obligation of government funds, charges arising from his long stint as the FSM Ambassador in Washington. The FSM Supreme Court sentenced Marehalau to 36 months in the Yap State Jail, but also created a number of furlough exceptions that limit his jail time. Given Marehalau's high caste rank and the high esteem in which he is held by Yap traditional society, post wonders how much time his Yapele jailers will force him to spend in actual confinement. End summary.

¶2. (U) Jesse Marehalau served as the first Ambassador of the FSM to the United States. His tenure lasted for more than 16 years, from 1990 to 2006, but was tarred by scandal. In February 2006, the USG revealed that over fifty FSM passports stored at the FSM Embassy in Washington were fraudulently sold and issued to Filipino nationals. [NOTE: FSM passport security is vital to the USG since FSM citizens may freely travel, live, and work in the United States without visas. End note.] The following month, then FSM Attorney General Marstella Jack began an internal investigation of the FSM Embassy's operations in Washington.

¶3. (U) In April 2006, AG Jack revealed that a Filipino national working in the FSM Embassy as the clerk/chauffeur/accountant, Enrico Calderon, colluded with Marehalau to sell valid FSM passports and issue them to mala fide applicants. AG Jack alleged that other charges also were possible, including the misuse of Embassy funds. On October 1, 2006, the national government relieved Marehalau of his position as Ambassador.

¶4. (U) In May 2007, the FSM Department of Justice filed criminal charges against Ambassador Marehalau, citing eight alleged violations. The FSM Department of Justice omitted any charges relating to Calderon's passport selling operation; the lead prosecutor confided to POL/MIL Assistant that the government lacked sufficient evidence to link Marehalau to the passports. [NOTE: In the spring of 2007, Calderon pled guilty to human smuggling in the New Jersey Federal District Court and was sentenced to 26 months in prison. End note.] The case finally went to trial in the FSM Supreme Court in April this year. On April 24, the Court found Marehalau guilty on two counts: theft and over-obligation of government funds. On May 1, FSM Supreme Court Justice Dennis Yamase sentenced Marehalau to 36 months imprisonment in the Yap State Jail.

¶5. (U) However, Justice Yamase's order also offers Marehalau a number of ways to reduce the time spent in actual confinement. Every weekday Marehalau may leave the jail at 9:00 a.m. "to attend community service matters" and provide "assistance to the Council of Tamol," a traditional Yap leadership council. (The order states he must be back at the jail by 5:00 p.m.) Every Sunday from 10:00 a.m. to 9:00 p.m. Marehalau may "attend church and attend to church matters." If offered a paying job in the

future Marehalau may request work release. Finally, he may seek local medical attention "at any time the need arises."

¶6. (SBU) COMMENT: The FSM National Government lacks any correctional facilities of its own; federal prisoners serve their time in the state jails. Therefore, Justice Yamase had little choice but to send him to the Yap State Jail. However, the loopholes in Yamase's order guarantee that Marehalau will spend a minimum of 51 hours outside the jail every week. Post suspects that the former Ambassador will have little trouble in securing a "paying job" that will decrease his jail time even further. The need for "local medical attention" will probably crop up fairly often as well.

¶7. (SBU) Then there is the attitude of the Yapee themselves. Yap State Government Civic and Public Affairs Official Larry Raigetal told POL/MIL Assistant that it will be very hard for local corrections personnel to assert themselves before such a prominent person. Not only is Marehalau a former Ambassador, he is also a member of the highest clan in Yap's caste system. In Yap society, leaders are born, not made. Marehalau was born into a leadership clan, inheriting a very high traditional title. Yapee officials will find it difficult to refuse any request the erstwhile prisoner may make. A future scenario where Marehalau spends all of his time outside of jail is not beyond the realm of possibility.

¶8. (SBU) Perhaps post's musings may prove to be too cynical. Raigetal also told POL/MIL Assistant that it is about time folks who are in such high positions realize that no one is above the law. Post can only hope that this more modern attitude prevails in Marehalau's case. END COMMENT.

HUGHESMK